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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,546	05/31/2001	Patrick Meenan	06975-206001	6775
26171	7590	01/14/2005	EXAMINER	
FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005-3500			ALEXANDER, JESSE NELSON	
			ART UNIT	PAPER NUMBER
			2666	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/867,546	Applicant(s) MEENAN, PATRICK	
	Examiner Jesse N. Alexander	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to **because the dashed lines in fig. 2, 3, and 4 are not clearly visible**. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: **the reference to "step 830" on page 15, lines 30-31, should be changed to --step 820--.**

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 31 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 31 and 32 recite the limitation "the original protocol" in line 3 of both claims. There are insufficient antecedent bases for these limitations in the claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiles et al. (US 6,618,393 B1).

Regarding claims 1, 14, 28, and 42, Chiles et al. teaches a system located on a client device for communicating data packets between the client device (**fig. 1, home PC 10**), and a host system (**peer system 12, fig. 1, another general purpose computer system or PC col. 4, lines 56-57**) the system comprising: a protocol server module (**fig. 2 elements 54, 52, 56 within the inner dashed line comprise a protocol server**) structured and arranged to: terminate (**and negotiate, col. 7, lines 48-52**) a communication session that uses a first protocol (**the first protocol is PPP, col. 3, lines 20-25**) and that is intended to enable communications between a source and a destination, wherein the source is one of the client device operating system protocol

stack (**Transport protocol module 32 in fig. 2**) and the host system and the destination is one of the client device operating system protocol stack and the host system but differs from the source (**host and client are both general purpose PC in col. 4, lines 56-57**), translate data packets from the source between the first protocol (**PPP**) and a second protocol (**RFC 1483**) that differs from the first protocol (**col. 6, lines 6-9 and col. 7, lines 41-46**), transport data packets to the destination through a network using any one of several communication protocols (**RFC 1483 via driver 58 in fig. 2, see also col. 6, lines 20-23**); and a controller module that is logically connected to the protocol server module (**PPP module 40 in fig. 2 is connected to the protocol server module consisting of elements 52-56, fig. 2**) and that is structured and arranged to control communications between the client device operating system protocol stack (**Transport Protocol Module 32, fig. 2**) and the protocol server module, and the host system (**PPP module 40 in fig. 2 sends PPP control messages 60 to the protocol server module (consisting of elements 52-56) thereby controlling its communications with the host system 12**).

Regarding claims 2-4, 15-17, 30-32, and 44-46, Chiles et al. discloses a system wherein the data packets include an encapsulation (**RFC1483 Multiprotocol Encapsulation over ATM Adaptation Layer 5, col. 7, lines 41-46**) and the protocol server module translates the data packets by stripping off and replacing the **RFC1483** encapsulation of the data packets with that of PPP in the receive direction described in

col. 6, line 67-col. 7, line 3, and visa versa in the transmit direction (see col. 6, lines 59-63).

Regarding claims 18, 29, 43, and 47 Chiles et al. also discloses the method wherein: terminating the communication session includes using a protocol server module to terminate the communication session **(the peer emulation (52 of fig. 2) module is part of the server module delineated by the dashed line including elements 54, 52, and 56, in fig. 2)**; translating the data packets includes using the protocol server module to translate the data packets from the source between the first protocol and the second protocol **(element 54 within protocol server module translates packets between protocols)**; and transporting the data packets includes using the protocol server module to transport the data packets having the second protocol to the destination **(packets are transported via element 58 to the destination via the network 22).**

Regarding claims 5-8, 19-22, 33-36, and 48-51 Chiles et al. also discloses the system wherein the PPP server module is structured and arranged to terminate **and negotiate, (col. 7, lines 48-52)** a PPP communication session between the client device operating system protocol stack and the peer system via **element 52, PPP Peer Emulator (which is part of the server module delineated by the dashed line including elements 54, 52, and 56, in fig. 2).**

Regarding claims 13, 27, 41, and 56, Chiles et al. also discloses a system wherein the data packets include layer three data packets in **fig. 1, element 32, TCP/IP or transport module. This module handles layer 3, Internet protocol layer data packets.**

Regarding claims 9, 24, 37, and 53, Chiles et al. teaches a system wherein the protocol server module and the controller module perform transparent to a sender of the data packets (col. 6, lines 6-20, **only the header of the application data is changed during processing by the header translation module element 54, fig. 2).**

Regarding claims 10, 25, 38, and 54, Chiles et al. discloses a system wherein the protocol server module is structured and arranged to enable collection of data for error checking (**as it is well known in the art, packets inherently include CRC or checksum data for error checking, see the figure at the top of page 3 in "Multiprotocol Encapsulation over ATM Adaptation Layer 5" RFC1483).**

Regarding claims 11, 26, 39, and 55, Chiles et al. discloses a system wherein the protocol server module is structured and arranged to filter the data packets prior to transporting the data packets to the destination (**PPP peer emulation module filters data packets using address parameters stored in element 56, fig. 2; see col. 6, lines 36-42).**

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to show the state of the art with respect to methods for providing support of network protocols for a host system (such as a general-purpose computer) in a transparent manner such that the host system can communicate with a peer over a network where the host system lacks native support for the protocol:

- US-6,757,731 B1 Barnes et al.
- US-5,485,460 A Schrier et al.
- US-6,591,304 B1 Sitaraman et al.
- US-6,487,598 B1 Valencia, Andrew J.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse N. Alexander whose telephone number is (571) 272-3167. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2666

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jna3



RICKY NGO
PRIMARY EXAMINER